IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.438 of 2007

Mr.Sitaram Shrirang Jadhav — Petitioner
Vs.
Sou. Mangal Sitaram Jadhav & anr. — Respondents

Mr.Dilip Bodake for petitioner.
Mr.D.P.Adsulte, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 17, 2007.

P.C.

1. Heard Mr.Bodake, the learned counsel for the petitioner - husband. Misc. Application No.167 of 1995 filed by the respondent - wife under Section 125 of Cr.P.C. was allowed by the learned Jt. Judicial Magistrate, First Class at Vaduj and by his order dated 24/9/1996 the maintenance amount was fixed at Rs.350/- per month. After about five years the respondent-wife filed Misc. Application No.40 of 2001 under Section 127 of Cr.P.C. for enhancement of the maintenance amount and the same came to be allowed by the learned Magistrate vide order dated 23/5/2003. The maintenance was enhanced to Rs.700/- per month from the date of the order dated 23/5/2003. This order was sought to be challenged belatedly by filing a revision application on 13th April 2005 and

Misc. Application No.48 of of 2005 was filed in the said revision application for condonation of delay. The learned IV Ad-hoc Addl. Sessions Judge at Satara was pleased to reject the application for condonation of delay by the impugned order dated 18/5/2006.

2. Though the learned Addl. Sessions Judge in the impugned order noted that the delay caused was of four years, the record shows that the revision application was beyond time by about one year and nine months. However, the application did not make out good and sufficient reasons to condone the delay.

3. Even otherwise the order dated 23/5/2003 passed by the learned Magistrate for enhancement of the maintenance amount to Rs.700/- per month clearly shows that in the year 1995-96 the petitioner's gross salary was Rs.7058/- and it had gone up to Rs.13,000/- per month when the said order was passed. In addition the agricultural land in respect of which 7/12 extracts at Exhibits 20 to 26 were brought on record showed that it was at village Kumathe and was standing in the name of the petitioner's mother. Khata extract at Exhibit 19 was in the name of the mother of the respondent-wife and it falsified the

petitioner's claim that the wife has agricultural land and was cultivating the same, therefore, the enhancement amount of Rs.350/- per month cannot be held to be unreasonable and the learned Magistrate was justified in fixing the enhancement amount at Rs.700/- per month with effect from 23/5/2003.

4. Hence, no interference is called for in the impugned order passed by the learned IVth Ad-hoc Addl. Sessions Judge. The petition is rejected summarily.

(B.H.MARL